

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF TEXAS

MICHEAL J. IBENYENWA,

Plaintiff,

versus

TEXAS BOARD OF CRIMINAL
JUSTICE, *et al.*,

Defendants.

CIVIL ACTION NO. 9:22-CV-44

**MEMORANDUM ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND
ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

Plaintiff Micheal J. Ibenyenwa, an inmate confined at the Polunsky Unit in Livingston, Texas, proceeding *pro se*, brought this lawsuit pursuant to 42 U.S.C. § 1983.

The court referred this matter to the Honorable Christine L. Stetson, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court. The magistrate judge recommends dismissing this action without prejudice.

The court has received and considered the Report and Recommendation of United States Magistrate Judge filed pursuant to such referral, along with the record, pleadings and all available evidence. Plaintiff filed objections to the magistrate judge's Report and Recommendation. This requires a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b).

After careful consideration, the court concludes plaintiff's objections to the severance of this action and the filing fee requirement are without merit. As set forth in the order of severance, plaintiff's claims submitted in a proposed amended pleading involve separate, unrelated and factually distinct claims from the claims presented in his original complaint. *See Ibenyenwa v. Tex. Bd. Crim. Just.*, No. 9:19cv1, (#54) (E.D. Tex. July 18, 2022).

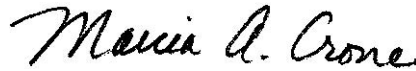
Unrelated claims against different defendants belong in different suits to prevent complicated and confusing cases and to ensure that prisoners pay the required filing fees under the Prison Litigation Reform Act (“PLRA”). *See George v. Smith*, 507 F.3d 605, 607 (7th Cir.

2007). In light of the fee provisions of the PLRA, courts have discouraged the joinder of multiple unrelated claims and plaintiffs. *See Hubbard v. Haley*, 262 F.3d 1194, 1198 (11th Cir. 2001) (finding severance proper in multi-plaintiff prisoner action proper to prevent plaintiffs from circumventing PLRA's unambiguous requirement that each plaintiff must pay the full filing fee); *Patton v. Jefferson Corr. Ctr.*, 136 F.3d 458, 464 (5th Cir. 1998) (discouraging "creative joinder of actions" by prisoners attempting to circumvent the PLRA's three-strikes provision). Therefore, the severance of plaintiff's claims was appropriate and payment of the filing fee is necessary. Thus, plaintiff's objections are without merit.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered in this case in accordance with the magistrate judge's recommendation.

SIGNED at Beaumont, Texas, this 31st day of January, 2023.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE